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Environmental  
Protection

# California Regional Water Quality Control Board

## Los Angeles Region

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Aziz Elattar  
California Department of Transportation, District 7  
120 S. Spring Street District 7  
Los Angeles, CA 90012

Chris Stephens  
Ventura County Transportation Commission  
950 County Square Drive, Suite 207  
Ventura, CA 93003

### **CONDITIONAL CERTIFICATION FOR PROPOSED AND “AFTER-THE-FACT” ACTIVITIES: HAUN CREEK SEDIMENT AND DEBRIS REMOVAL AT STATE ROUTE 126 (Corps’ Project No. 2001-00728-SDM), TRIBUTARY TO SANTA CLARA RIVER, CITY OF SANTA PAULA, VENTURA COUNTY (File No. 01-045)**

Dear Messrs. Elattar and Stephens:

In accordance with Title 23, Section 3855 of the California Code of Regulations, an application for Water Quality Certification shall be filed with the Regional Board Executive Officer in advance of any discharge. The Board notes that your application request, on behalf of the California Department of Transportation, District 7 and the Ventura County Transportation Commission (Co-applicants), includes “after the fact” activities that were conducted without the required prior Clean Water Act Section 401 Water Quality Certification due to emergency conditions. Activities involved maintenance excavation of sediment and debris from Haun Creek at Haun Creek Bridge in the City of Santa Paula. In recognition of our inability to appropriately characterize the pre-project conditions, we have increased the mitigation ratio component of your Certification to ensure that we have addressed all the impacts associated with your project. The Board expects that all future violations will be avoided and that any impending projects involving a discharge will be fully authorized prior to commencement of work activities. Any future violations may result in civil liabilities of \$10,000 per day.

Your application was deemed complete on October 2, 2001.

I hereby certify that there is a reasonable assurance that the discharge from Haun Creek Sediment and Debris Removal at State Route 126 project, as proposed and described in Attachment A, if performed in accordance with all applicable water quality objectives, prohibitions, and policies set forth in the *Water Quality Control Plan, Los Angeles Region* (1994), and in accordance with the conditions specified in Attachment B, will comply with the applicable water quality standards and other appropriate requirements, including the provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act.

Finally, this Certification does not foreclose the imposition of appropriate penalties for failure to obtain this Certification prior to commencement of work. The Co-applicants shall be liable civilly for any violations of this Certification in accordance with the California Water Code. This Certification does not eliminate the Co-applicants’ responsibility to comply with other applicable laws, requirements, and/or permits.

Should you have questions concerning this certification action, please contact Anthony Klecha, Lead, Section 401 Program, at (213) 576-6785.

[Original signed by]

[November 3, 2001]

\_\_\_\_\_  
Dennis A. Dickerson  
Executive Officer

\_\_\_\_\_  
Date

### ***California Environmental Protection Agency***

\*\*\*The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption\*\*\*  
\*\*\*For a list of simple ways to reduce demand and cut your energy costs, see the tips at: <http://www.swrcb.ca.gov/news/echallenge.html>\*\*\*



Our mission is to preserve and enhance the quality of California’s water resources for the benefit of present and future generations.

## **DISTRIBUTION LIST**

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## **ATTACHMENT A**

### **Project Information File No. 01-045**

1. Co-applicants: California Department of Transportation, District 7  
120 S. Spring Street  
Los Angeles, CA 90012  
Phone: (213) 897-0686 Fax: (213) 897-1060  
  
Ventura County Transportation Commission  
950 County Square Drive, Suite 207  
Ventura, CA 93003  
Phone: (805) 642-1591
2. Co-applicants' Agent: Jennifer Leung  
California Department of Transportation, District 7  
120 S. Spring Street  
Los Angeles, CA 90012  
Phone: (213) 897-4595 Fax: (213) 897-1060
3. Project Name: Haun Creek Sediment and Debris Removal at State Route 126
4. Project Location: Santa Paula, Ventura County
5. Type of Project: Sediment removal
6. Project Description: The proposed project involves the removal of sediment and debris from the soft bottom channel from under Haun Creek Bridge in order to allow for the effective flow of water through the channel. Work will be conducted 75 feet upstream to 165 feet downstream of Haun Creek Bridge. Sediment will also be removed from under the railroad bridge to approximately 50 feet downstream. The area will be excavated to an approximate depth of six feet at the northern end of the railroad bridge and ten feet at Haun Creek Bridge.  
  
Caltrans personnel commenced (unauthorized) maintenance activities on March 20, 2001 between Haun Creek Bridge and the railroad bridge. Under orders from the U.S. Army Corps of Engineers (Cease and Desist Order, Case No. 2001-00728-SDM, dated March 20, 2001), work was suspended that day. Project activities have remained in suspension since then.

## **ATTACHMENT A**

### **Project Information File No. 01-045**

The Co-applicants have requested a five-year (5-year) renewable permit/certification for the proposed project to allow for routine maintenance of the channel to prevent the long-term accumulation of sediments in order to protect the roads and surrounding property from flooding.

- |                                                                          |                                                                                                                                                                                                                                                                                                                |
|--------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 7. Federal Agency/Permit:                                                | U.S. Army Corps of Engineers<br>NWP No. 3 (Permit No. 2001-00728-SDM)                                                                                                                                                                                                                                          |
| 8. Other Required Regulatory Approvals:                                  | California Department of Fish and Game<br>Streambed Alteration Agreement (Notification No. R5-2001-0140)                                                                                                                                                                                                       |
| 9. California Environmental Quality Act (CEQA) Compliance:               | The proposed project is Categorical Exempt from CEQA pursuant to the CEQA Guidelines, Section 15301 (Existing Facilities).                                                                                                                                                                                     |
| 10. Receiving Water:                                                     | Haun Creek, a tributary of Santa Clara River (Hydrologic Unit No. 403.21)                                                                                                                                                                                                                                      |
| 11. Designated Beneficial Uses:                                          | MUN, IND, PROC, AGR, GWR, FRSH, REC-1, REC-2, WARM, WILD, RARE, MIGR, WET                                                                                                                                                                                                                                      |
| 12. Impacted Waters of the United States:                                | Non-wetland waters (unvegetated streambed): 0.28 permanent acres                                                                                                                                                                                                                                               |
| 13. Dredge Volume:                                                       | 0 cubic yards                                                                                                                                                                                                                                                                                                  |
| 14. Related Projects Implemented/to be Implemented by the Co-applicants: | The project area has been cleaned out in the last 5 years (permits issued in 1997 and 1993) and is expected to be excavated routinely in the next five years, as the Co-applicants have requested a five-year permit/certification to maintain the channel in order to prevent potential flooding in the area. |

## ATTACHMENT A

### Project Information File No. 01-045

15. Avoidance/  
Minimization  
Activities:

The Co-applicants have proposed to implement several Best Management Practices (BMPs), including, but not limited to, the following:

- All Caltrans Construction BMPs will be followed;
- The impact area will be kept to a minimum;
- Vegetation on banks will be avoided to the best extent possible;
- The disposal of the material will be at an approved site near Sespe Creek Bridge along State Route 126;
- Clean-outs will be conducted during the dry season and when water is not present in the creek. In the event that water is present, sandbag barriers will be implemented as part of BMPs; and
- Discharges from the secondary drains located upstream and downstream of the railroad bridge will be controlled by the placement of sandbags around the drains to prevent any discharge into the clean-out area.

16. Proposed  
Compensatory  
Mitigation:

The Co-applicants have proposed to transfer appropriate funds for compensatory mitigation at a 5:1 replacement to impact ratio (or a total of 1.4 acres) in a mitigation bank established by the California Coastal Conservancy for impacts to the Santa Clara River watershed.

*See Attachment B Conditions of Certifications, Additional Conditions for modifications and additions to the above proposed compensatory mitigation.*

## ATTACHMENT B

### Conditions of Certification File No. 01-045

#### STANDARD CONDITIONS

Pursuant to §3860 of Title 23 of the California Code of Regulations (23 CCR), the following three standard conditions shall apply to this project:

1. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to §13330 of the California Water Code and Article 6 (commencing with 23 CCR §3867).
2. This certification action is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to 23 CCR Subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. Certification is conditioned upon total payment of any fee required pursuant to 23 CCR Chapter 28 and owed by the Co-applicants.

#### ADDITIONAL CONDITIONS

Pursuant to 23 CCR §3859(a), the Co-applicants shall comply with the following additional conditions:

1. The Co-applicants shall submit to this Regional Board copies of any other final permits and agreements required for this project, including, but not limited to, the U.S. Army Corps of Engineers' Section 404 Permit and the California Department of Fish and Game's Streambed Alteration Agreement. **These documents shall be submitted prior to any discharge to waters of the state.**
2. Fueling, lubrication, maintenance, operation, and storage of vehicles and equipment shall not result in a discharge or a threatened discharge to waters of the state. At no time shall the Co-applicants use any vehicle or equipment which leaks any substance that may impact water quality. Staging and storage areas for vehicles and equipment shall be located outside of waters of the state.
3. No construction material, spoils, debris, or any other substances associated with this project that may adversely impact water quality standards, shall be located in a manner which may result in a discharge or a threatened discharge to waters of the state.
4. The Co-applicants shall not conduct any construction activities within waters of the state during a rainfall event. The Co-applicants shall maintain **a five-day (5-day) clear weather forecast** before conducting any operations within waters of the state.

## ATTACHMENT B

### Conditions of Certification File No. 01-045

5. No activities shall involve wet excavations (i.e., no excavations shall occur below the seasonal high water table). A minimum **5-foot** buffer zone shall be maintained above the existing groundwater level. If construction or groundwater dewatering is proposed or anticipated, the Co-applicants shall file a **Report of Waste Discharge** to this Regional Board and obtain any necessary NPDES permits/Waste Discharge Requirements prior to discharging waste. Sufficient time should be allowed to obtain any such permits (generally 180 days). If groundwater is encountered without the benefit of appropriate permits, the Co-applicants shall cease all activities in the areas where groundwater is present, file a Report of Waste Discharge to this Regional Board, and obtain any necessary permits prior to discharging waste.
6. All surface waters, including ponded waters, shall be diverted away from areas undergoing grading, construction, excavation, vegetation removal, and/or any other activity which may result in a discharge to the receiving water. If surface water diversions are anticipated, the Co-applicants shall develop and submit a **Surface Water Diversion Plan** to this Regional Board. The plan shall include the proposed method and duration of diversion activities, erosion and sediment controls, and a map or drawing indicating the locations of diversion and discharge points. The plan shall be submitted prior to any surface water diversions. If surface flows are present, then upstream and downstream monitoring for pH, temperature, dissolved oxygen, turbidity, and total suspended solids shall be implemented. These constituents shall be monitored on a **daily** basis during the first week of diversion activities, and then on a **weekly** basis, thereafter, until the in-stream work is complete. Results of the analyses shall be submitted to this Regional Board by the **15th** day of each subsequent sampling month. A map or drawing indicating the locations of sampling points shall be included with each submittal. Diversion activities shall not result in the degradation of beneficial uses or exceedance of water quality objectives of the receiving waters. Any such violations may result in corrective and/or enforcement actions, including increased monitoring and sample collection.
7. The Co-applicants shall restore all areas of temporary disturbance that could result in a discharge or a threatened discharge to waters of the state. Restoration shall include grading of disturbed areas to pre-project contours and revegetation with native species to the extent feasible. The Co-applicants shall implement appropriate Best Management Practices to control erosion and runoff from areas associated with this project.
8. The Co-applicants shall provide COMPENSATORY MITIGATION for the proposed permanent impacts to **0.28 acres** of unvegetated streambed by transferring appropriate funds equivalent to **1.4 acres** (corresponding to a 5:1 replacement to impact ratio) in a mitigation bank established by the California Coastal Conservancy for impacts to the Santa Clara River watershed.
9. Within **ninety (90) days** of the date of this Certification, the Co-applicants shall submit documentation of credit (including transfer dollar amount, and size and location of mitigation area) demonstrating compliance with the above compensatory mitigation

## ATTACHMENT B

### Conditions of Certification File No. 01-045

requirement. The location of the mitigation site shall be clearly identified on a map of suitable quality and shall be defined by latitude and longitude.

10. The Co-applicants shall provide **ADDITIONAL COMPENSATORY MITIGATION** at a ratio of **1:1 per maintenance event** (based on area of impact) to offset any subsequent impacts to aquatic resources as a result of future excavations of the soft-bottom channel. If the Co-applicants can demonstrate, via photo documentation, that no aquatic resources (e.g., wetland/riparian vegetation) are present within the channel immediately prior to conducting any excavation activities, this mitigation requirement is waived. In the event that mitigation is required, the Co-applicants shall conduct onsite mitigation, including bank revegetation with riparian species native to the area and removal of non-native vegetation, if available. If onsite mitigation is unavailable, the Co-applicants shall transfer sufficient funds to an appropriate conservation agency for wetland and/or riparian mitigation activities based on the 1:1 ratio. Any transfers of funds shall occur within **ninety (90) days** of commencement of the respective excavation activity. The Co-applicants shall submit to this Regional Board a copy of all agreements (including transfer dollar amount, size and location of the mitigation area, and description and duration of mitigation activities) made between the Co-applicants and the conservation agency demonstrating compliance with this compensatory mitigation requirement. All mitigation activities shall occur within the Santa Clara River watershed to the extent feasible.
11. Prior to any subsequent maintenance activities within the soft-bottom channel, including maintenance by-hand and/or the application of pesticides, the Co-applicants shall submit to this Regional Board a **NOTIFICATION** of any such activity. Notification shall include: (a) the proposed schedule; (b) a description of the channel's existing condition (i.e., sediment accumulation); (c) a description of any existing aquatic resources (e.g., wetland/riparian vegetation); and (d) any proposed compensatory mitigation. Notifications must be submitted a minimum of **two (2) weeks** prior to commencing work activities.
12. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **01-045**. Submittals shall be sent to the attention of the Nonpoint Source Unit.
13. Any modifications of the proposed project may require submittal of a new Clean Water Act Section 401 Water Quality Certification application and appropriate filing fee.
14. This Certification shall expire **five (5) years** from the date of signature. The Co-applicants may request a renewal of this Certification prior to its termination. Renewals may be granted in five-year (5-year) increments, may be subject to additional filing fees, and will require Regional Board approval. If the Co-applicants fail to request a renewal prior to the Certification's expiration, then the Co-applicants shall submit a new application and appropriate filing fees.



## **ATTACHMENT B**

### **Conditions of Certification File No. 01-045**

#### *15. Enforcement:*

- (a) In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under state law. For purposes of section 401(d) of the Clean Water Act, the applicability of any state law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this certification.
- (b) In response to a suspected violation of any condition of this certification, the (State Water Resources Control Board (SWRCB) may require the holder of any permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring reports the SWRCB deems appropriate, provided that the burden, including costs, of the reports shall be a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
- (c) In response to any violation of the conditions of this certification, the SWRCB may add to or modify the conditions of this certification as appropriate to ensure compliance.